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*Attorneys for Defendant Michael Horn*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: VOLKSWAGEN “CLEAN DIESEL”  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

\_\_\_\_\_  
This Document Relates to:

*City of St. Clair Shores*, 15-1228 (E.D. Va.),  
*Travalio*, 15-7157 (D.N.J.), *George Leon Family*  
*Trust*, 15-7283 (D.N.J.), *Charter Twp. of Clinton*,  
15-13999 (E.D. Mich.), and *Wolfenbarger*, 15-  
326 (E.D. Tenn.)

MDL No. 2672 CRB (JSC)

**DEFENDANT HORN’S CONSENT  
MOTION TO EXTEND THE  
DEADLINE TO RESPOND TO  
PLAINTIFFS’ FIRST AMENDED  
CLASS ACTION COMPLAINT**

Courtroom: 6  
The Honorable Charles R. Breyer

**DEFENDANT HORN'S MOTION TO EXTEND THE TIME  
TO RESPOND TO THE ADR AMENDED COMPLAINT**

Defendant Michael Horn, through undersigned counsel and pursuant to Fed. R. Civ. P. 6(b)(1)(A), moves for a one business-day extension to file an Answer to the Amended Complaint (ECF No. 2862) giving him until *September 1, 2017*. As explained in the accompanying memorandum of points and authorities undersigned counsel requires one additional business-day. A proposed order is also attached.

Dated: August 31, 2017

Respectfully submitted,

/s/ David Schertler

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendant Michael Horn, through undersigned counsel and pursuant to Fed. R. Civ. P. 6(b)(1)(a), moves for a one business-day extension to file an Answer to the Amended Complaint (ECF No. 2862) giving him until *September 1, 2017*.

**I. Relevant Procedural History**

On May 16, 2016, Plaintiffs filed the Class Action Complaint for Violations of the Federal Securities Laws Regarding American Depository Receipts (“ADRs”) (ECF No. 1510) (the “Complaint”);

On August 1, 2016 Defendants filed their motions to dismiss the Complaint (ECF Nos. 1705, 1706, 1708);

On January 4, 2017, the Court issued its Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss the Complaint, and ordered Plaintiffs to “file a new amended complaint within 30 days of this Order” (ECF No. 2636);

On February 3, 2017, Plaintiffs filed the First Amended Class Action Complaint for Violations of the Federal Securities Laws Regarding Volkswagen ADRs (ECF No. 2862) (the “Amended Complaint”);

On March 21, 2017, Defendants filed their motions to dismiss the Amended Complaint (ECF Nos. 3058, 3059, 3060)

On June 28, 2017, the Court issued its Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss the Complaint (ECF No. 3392),

Defendants’ received an extension for responding to the Answer in the Joint Scheduling Statement, giving them until them until August 31, 2017 to file an Answer to the Amended Complaint (ECF No. 3595);

Defendants’ deadline to respond to the Amended Complaint is currently August 31, 2017.

1 **II. Argument**

2 Mr. Horn requests a one-day extension to file an Answer to the Amended  
3 Complaint giving him until September 1, 2017. In support, Mr. Horn's counsel avers that it has  
4 become evident that select allegations require further consultation with the client. Counsel has  
5 been unable to accomplish this task due to the significant difference in time zones with their  
6 client. This constitutes good cause for a brief extension.

7 While the undersigned acknowledges that the joint scheduling statement already  
8 permitted Mr. Horn an extension, the undersigned avers that a one-day extension will not result  
9 in any prejudice to Plaintiffs. In fact, Plaintiffs have consented to the extension.

10 Accordingly, Mr. Horn requests a one business-day extension to file an Answer to  
11 the Amended Complaint (ECF No. 2862) giving him until ***September 1, 2017***.

12 Dated: August 31, 2017

/s/ David Schertler

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